

Rule 2.86—Form 2: Application to Expunge Misdemeanor Court Records under Iowa Code section 901C.3

CLERK SUPREME COURT

Note: This form is for expunging **misdemeanor convictions**. Rule 2.86—Form 1 is to be used for expungement of criminal case records where the defendant was acquitted or the charges were dismissed. **Obtaining the advice of counsel is recommended.** Each individual is only allowed one Iowa Code section 901C.3 expungement in the individual's lifetime. If you have multiple misdemeanor convictions, choosing which to expunge may be a difficult strategic decision.

In the Iowa District Court for _____ County

County where you are filing this Application

State of Iowa or _____

Case no(s). _____

vs.

Defendant

**Application to Expunge Misdemeanor
Court Records under Iowa Code section
901C.3**

If you need assistance to participate in court due to a disability, call the disability coordinator (information at www.iowacourts.gov/for-the-public/ada). Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). **Disability coordinators cannot provide legal advice.**

The undersigned Defendant respectfully applies to the court for an order expunging the misdemeanor court records in the above-captioned case (or cases) pursuant to Iowa Code section 901C.3. In support of this application, Defendant states that the following statements are true and correct to the best of Defendant's knowledge:

Read, complete, and check each item if you agree.

1. Defendant's personal information:

Current legal name:

Full first name

*Full middle name
(write "N/A" if none)*

Full last name

All other names ever used (including any other previous legal names and nicknames):

Full first name

*Full middle name
(write "N/A" if none)*

Full last name

☐ Check this box if you have attached a sheet with additional alternate names.

Personal identifying information:

*Date of birth
(month/day/year)*

Driver's License Number

Social Security Number

2. ☐ Defendant has not been granted a prior Iowa Code section 901C.3 expungement.
3. ☐ This expungement application involves related cases and Defendant seeks the expungement of the misdemeanor court records in all of following cases that arise out of the same transaction or occurrence: *See Iowa Code § 901C.3(3).*
- _____
- _____
- _____

☐ Check this box if you have attached a sheet with additional information.

NOTE: You must file this application **separately in each of these cases.**

4. ☐ The misdemeanor criminal convictions covered by this application are eligible for expungement. **NOTE:** *Convictions under Iowa Code sections 123.46, 123.47(3) (or similar local ordinance), 235B.20, 321.218, 321A.32, 321J.21, 321J.2, 707.5, 708.2(3), 708.2A, 708.7, 708.11, 708.12, 716.8(3) or (4), 721.2, 721.10, 723.1; or chapters 717C, 719, 720, 721.2, 724, 726, 728, 901A; or a sex offense as defined in section 692A.101 are ineligible.*
5. ☐ All court costs, fees, fines, restitution, and any other financial obligations ordered by the court or assessed by the clerk of district court in relation to the misdemeanor convictions covered by this application have been paid in full.
6. ☐ More than eight years have passed since the date of the misdemeanor convictions identified in section 2.
7. ☐ Defendant has no pending criminal charges. **NOTE:** *For purposes of this question, a “criminal” charge means any public offense as defined in Iowa Code section 692.1.*
8. ☐ Defendant has not previously been granted more than one deferred judgment. *All charges as to which a deferred judgment was granted at the same time are considered one deferred judgment.*
9. ☐ Defendant has attached an official Division of Criminal Investigation Iowa criminal history records check dated within the past 30 days of the filing of this application. *Defendants must obtain their criminal history by submitting form DCI-77 with a release authorization signature. Additional information regarding obtaining the records check can be found at: <https://dps.iowa.gov/divisions/criminal-investigation/criminal-history/record-check-forms>.*

Read Before Signing

Please check each statement below after you have read it.

- ☐ **I understand** that I must provide a copy of this application to the county attorney.
- ☐ **I understand** that if I file this application to expunge multiple cases, all cases must be related to the same transaction or occurrence.
- ☐ **I understand** that Iowa Code section 901C.3 only permits me one misdemeanor expungement in my lifetime.
- ☐ **I understand** that the records in a criminal case expunged under this section are confidential and exempt from public access under Iowa Code section 22.7, but the clerk of district court may make the records available upon court order.

Certification of Service by Mailing or Delivery

This section to be completed only if filing in paper. This Application, if filed electronically, will automatically be served on the county attorney.

I, _____, certify that on _____, 20____
Print your full name: first, middle, last *Month* *Day* *Year*

I mailed or gave a copy of this Application to the county attorney at this address:

Name of person to whom I delivered or mailed it

Mailing address *City* *State* *ZIP code*

Oath and Signature

I, _____, have read this Application, and I certify under
Print your full name: first, middle, last

penalty of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Application is true and correct.

_____, 20____
Month *Day* *Year* *Defendant's signature**

Mailing address *City* *State* *ZIP code*

(_____) _____
Phone number *Email address* *Additional email address, if applicable*

**Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.*